

**Philip Isbell – Chief Planning Officer**  
**Sustainable Communities**

**Babergh District Council**

Endeavour House, 8 Russell Road, Ipswich IP1 2BX

Website: [www.babergh.gov.uk](http://www.babergh.gov.uk)



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## **PLANNING PERMISSION**

**TOWN AND COUNTRY PLANNING ACT 1990**

**THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)  
ORDER 2015**

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**Correspondence Address:**

Whymark Moulton Ltd  
14 Cornard Road  
Sudbury  
CO10 2XA

**Applicant:**

Mr R Barlow  
C/O Agent

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**Date Application Received:** 27-Feb-24

**Application Reference:** DC/24/01015

**Date Registered:** 28-Feb-24

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**Proposal & Location of Development:**

Full Planning Application - Change of Use from (D1) to house of multiple occupation (Sui Generis), providing up to 8 bedrooms.

8 Cornard Road, Sudbury, Suffolk, CO10 2XA

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**Section A – Plans & Documents:**

This decision refers to drawing no./entitled Site Location Plan received 27/02/2024 as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

The plans and documents recorded below are those upon which this decision has been reached:

Planning Statement - Received 27/02/2024

Floor Plan - Proposed 23/148-02A - Received 21/03/2024

Floor Plan - Existing 23/148-01 - Received 27/02/2024

Defined Red Line Plan Site Location Plan - Received 27/02/2024

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**Section B:**

Babergh District Council as Local Planning Authority, hereby give notice that **PLANNING PERMISSION HAS BEEN GRANTED** in accordance with the application particulars and plans listed in section A subject to the following conditions:

1. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE:  
COMMENCEMENT TIME LIMIT

The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

## 2. APPROVED PLANS & DOCUMENTS

The development hereby permitted shall be carried out in accordance with the drawings/documents listed under Section A above and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard. Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved under Section A, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

Reason - For the avoidance of doubt and in the interests of proper phased planning of the development.

## 3. ONGOING REQUIREMENT: SOUND INSULATION

The building hereby permitted for change of use to residential accommodation shall be constructed so as to provide sound insulation against noise levels to achieve internal levels not exceeding 30 dB LAeq (night) and 45 dB Lamax (measured with F time weighting) for bedrooms, and 35 dB LAeq (day) for other habitable rooms, with other means of ventilation provided if windows are required to be shut to meet these levels.

Reason - In the interests of protecting residential amenity.

## 4. SPECIFIC RESTRICTION ON DEVELOPMENT: CONSTRUCTION HOURS

Operations related to the construction (including site clearance and demolition phases) of the permitted development/use shall only operate between the hours of 07:30 and 18:00hrs Mondays to Fridays and between the hours of 08:00 and 13:00hrs on Saturday. There shall be no working and/or use operated on Sundays and Bank Holidays. There shall be no deliveries to the development/use arranged for outside of these approved hours.

Reason -To minimise detriment to nearby residential amenity.

## 5. ACTION REQUIRED: AIR QUALITY

Prior to the commencement of any works to alter the internal of the subject building, a scheme to demonstrate measures to minimise the impact on air quality, shall be submitted to and approved, in writing, by the Local Planning Authority. for example, the use of the cleanest construction equipment available, the use of zero emission machinery, HGVs serving the site avoiding routes through Air Quality Management Areas, prohibitions on vehicles/machinery idling.

Reason - To minimise detriment to nearby residential amenity.

6. ACTION REQUIRED: PARKING AND MANOEUVRING

Prior to first occupation, the area(s) within the site shown on Drawing No. 23/148-02 for the purposes of manoeuvring and parking of vehicles shall be provided and thereafter the area(s) shall be retained, maintained and used for no other purposes.

Reason - To ensure that sufficient areas for vehicles to be parked are provided in accordance with Suffolk Guidance for Parking (2023) where on-street parking and manoeuvring would be detrimental to the safe use of the highway.

7. ACTION REQUIRED: EV CHARGING

Prior to any works to alter the internal space, details of the infrastructure to be provided for electric vehicle charging points shall be submitted and approved, in writing, by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason - In the interests of sustainable travel provision and compliance with Local Plan Sustainable Transport policies.

8. ACTION REQUIRED: CYCLE STORAGE

Prior to first occupation, the area(s) within the site shown in Drawing No.23/148-02 for the purposes of secure cycle storage shall be provided, and thereafter, the area(s) shall be retained, maintained, and used for no other purposes.

Reason - To ensure that sufficient areas for secure cycle storage are provided in accordance with Suffolk Guidance for Parking (2023) to promote sustainable travel.

9. ACTION REQUIRED: BINS

Prior to first occupation, details of the areas to be provided for the storage and presentation for collection/emptying of refuse and recycling bins shall be submitted to and approved, in writing, by the LPA. The approved scheme shall be carried out in its entirety before the development into use and shall be retained thereafter for no other purpose.

Reason - To ensure that space is provided for refuse and recycling bins to be stored and presented for emptying and left by operatives after emptying clear of the highway and access to avoid causing obstruction and dangers for the public using the highway.

**SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:**

- SP03 - The sustainable location of new development
- SP09 - Enhancement and Management of the Environment
- SP10 - Climate Change
- LP10 - Change from Employment Uses
- LP15 - Environmental Protection and Conservation
- LP16 - Biodiversity & Geodiversity

LP24 - Design and Residential Amenity  
LP29 - Safe, Sustainable and Active Transport  
NPPF - National Planning Policy Framework

**NOTES:**

1. **Statement of positive and proactive working in line with the National Planning Policy Framework (NPPF)**

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. The NPPF encourages a positive and proactive approach to decision taking, delivery of sustainable development, achievement of high quality development and working proactively to secure developments that improve the economic, social and environmental conditions of the area. While the applicant did not take advantage of the service, the Council provides a pre-application advice service prior to the submission of any application. The opportunity to discuss a proposal prior to making an application allows potential issues to be raised and addressed pro-actively at an early stage, potentially allowing the Council to make a favourable determination for a greater proportion of applications than if no such service was available.

- 2.
- o Any works to a watercourse may require consent under section 23 of the Land Drainage Act 1991
  - o Any discharge to a watercourse or groundwater needs to comply with the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017
  - o Any discharge of surface water to a watercourse that drains into an Internal Drainage Board district catchment is subject to payment of a surface water developer contribution
  - o Any works to lay new surface water drainage pipes underneath the public highway will need a licence under section 50 of the New Roads and Street Works Act
  - o Any works to a main river may require an environmental permit

Babergh and Mid Suffolk District Councils have adopted Community Infrastructure Levy (CIL) charging which affects planning permissions granted on or after 11th April 2016 and permitted development commenced on or after 11th April 2016. If your development is for the erection of a new building, annex or extension or the change of use of a building over 100sqm in internal area or the creation of a new dwelling or holiday let of any size your development may be liable to pay CIL and you must submit relevant documents to our Infrastructure Team telling us more about your development, who will pay CIL and when the development will start. You will receive advice on the amount you have to pay and what you have to do and you can find more information about CIL on our websites here:

[CIL in Babergh](#) and [CIL in Mid Suffolk](#) or by contacting the Infrastructure Team on: [infrastructure@baberghmidsuffolk.gov.uk](mailto:infrastructure@baberghmidsuffolk.gov.uk)

This relates to document reference: DC/24/01015

**Signed: Philip Isbell**

**Dated: 22nd April 2024**

**Chief Planning Officer**

## **Sustainable Communities**

## **Important Notes to be read in conjunction with your Decision Notice**

### **Please read carefully**

This decision notice refers only to the decision made by the Local Planning Authority under the Town and Country Planning Acts and DOES NOT include any other consent or approval required under enactment, bylaw, order or regulation.

**Please note: depending upon what conditions have been attached to the decision, action may be required on your part before you can begin your development.** Planning conditions usually require that you write to the Local Planning Authority and obtain confirmation that you have discharged your obligations. You should read your decision notice in detail and make a note of the requirements placed on you by any conditions. **If you proceed with your development without complying with these conditions you may invalidate your permission and put your development at risk.**

### **Discharging your obligations under a condition:**

You should formally apply to discharge your conditions and the relevant application forms are available on the Council's website. The Local Planning Authority has 8 weeks to write to you after you submit the details to discharge your conditions. You should always account for this time in your schedule as the Local Planning Authority cannot guarantee that conditions can be discharged quicker than this. A fee is applicable for the discharge of planning conditions.

### **Building Control:**

You are reminded that the carrying out of building works requires approval under the Building Regulations in many cases as well as a grant of planning permission. If you are in doubt as to whether or not the work, the subject of this planning permission, requires such approval, then you are invited to contact the Building Control Section of Babergh and Mid Suffolk District Councils.

## Appeals to the Secretary of State

1. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or consent, or to grant permission or consent subject to condition, they may appeal to the Secretary of State for Communities and Local Government. The applicant's right of appeal is in accordance with the appropriate statutory provisions which follow:

Planning Applications: Section 78 Town and Country Planning Act 1990

Listed Building Applications: Section 20 Planning (Listed Buildings and Conservation Areas) Act 1990

Advertisement Applications: Section 78 Town and Country Planning Act 1990  
Regulation 15

Town and Country Planning (Control of Advertisements) Regulations 2007

Notice of appeal in the case of applications for advertisement consent must be served within eight weeks of receipt of this notice. Notice of Householder and Minor Commercial Appeals must be served within 12 weeks, in all other cases, notice of appeal must be served within six months of this notice. If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within six months of the date of this notice, whichever period expires earlier.

Appeals must be made on a form which is obtainable from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at <https://www.gov.uk/appeal-planning-decision>.

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he/she will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him/her that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by it, having regard to the statutory requirements\*, to the provisions of the Development Order, and to any directions given under the Order. The Secretary of State does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him/her.

2. If permission or consent to develop land or carry out works is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State and the owner of the land claims that the land has become incapable of reasonable beneficial use by the carrying out of any development or works which has been or would be permitted they may serve on the Council of the district in which the land is situated, a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Section 137 of the Town and Country Planning Act 1990 or Section 32 Planning (Listed Buildings and Conservation Areas) Act 1990.

\*The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70 and 72(1) of the Act.